IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Rajesh Kumar. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No.127/2007

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Date of Order: July 17, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Pankaj Sharma, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. K.R. Choudhary, for the respondent No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 9-11-2006 passed by the Additional Sessions Judge (Fast Track) No.2, Bhilwara (for short, "the Revisional Court" hereinafter), whereby the revision petition filed by the petitioner against the order dated 19-12-2005 passed by the Judicial Magistrate No.1, Bhilwara (for short, "the trial Court" hereinafter) was dismissed.

I have heard learned counsel for the parties.

At the fag end of trial of the Court, the accused-petitioner moved an application under Section 311 of the Code

seeking recalling of witness PW 1 Chaina Ram, who is the complainant in the complaint under Section 138 of the Negotiable Instruments Act, 1881. Both the Court below did not find any ground to recall the witness.

I have carefully gone through the statement of PW 1 Chaina Ram. In my view, the witness was put to a detailed and lengthy cross-examination and on all points, he has been examined, including on the point of bills. In the trial, almost all the witnesses have been examined. In my view, there is no ground to recall the witness. Both the Courts below were justified in dismissing the application. No case for interference in the extraordinary jurisdiction of this Court is made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs